

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert F. Richards et al.
Application No. : 10/535,315
Filed : May 17, 2005
For : THERMAL SWITCH, METHODS OF USE AND
MANUFACTURING METHODS FOR SAME

Examiner : Anatoly Vortman
Art Unit : 2835
Docket No. : 67901-17
Date : August 20, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents:

In response to the Restriction Requirement dated August 3, 2007, the applicants elect Group I, claims 1-40 without traverse.

The applicants also elect Specie II for examination with traverse. The Office Action defines Specie I as illustrated by Figures 1A-5 and 8 having piezoelectric actuation and no drop(s) or droplet(s) of thermally conductive material. The Office Action defines Specie II as illustrated by Figures 6A-B and having electrostatic actuation with drop(s) or droplet(s) of thermally conductive material present. The applicants do not traverse the species definitions on the basis of thermally conductive drops being present or not present, but do traverse the characterization of the species as being defined by piezoelectric actuation (Specie I) or electrostatic actuation (Specie II).

The specification describes the embodiment of Figures 6A-6B and states at page 20, line 19-page 21, line 3 that membrane deflection may be caused by an electrostatic force, a piezoelectric force, a magnetic transducer, a magnetostrictive transducer, a capacitive transducer, or an equivalent device that can be deflected

toward or away from the drop(s) upon application and removal of a stimulus. Thus, it may be correct to characterize the species on the basis of the presence or absence of thermally conductive drop(s) or droplet(s), but it is incorrect to characterize the species selection on the basis of the actuation mechanism.

The applicants further note that the Office Action, at page 3, asserts that Figure 8 belongs to Specie I (i.e., no drop(s) or droplet(s) of thermally conductive material). This is incorrect. Figure 8 clearly shows thermally conductive droplet(s) 132. Furthermore, the description on page 23, lines 20-28 clearly demonstrate that Figure 8 should be correctly characterized as belonging to Specie II (i.e., drop(s) or droplet(s) of thermally conductive material are present).

The applicants believe that claims 1-11, 13, 14-22, 25-27, 33-36, 39, and 40 read on the elected Specie II. Furthermore, while claim 12 refers to piezoelectric actuation, it clearly has thermally conductive drop(s) or droplet(s) present because of its dependency on claim 1. Consideration of the elected claims is now requested.

If there are questions regarding the election of species or claims reading thereon, the Examiner is invited to contact the undersigned at (206) 757-8029.

Respectfully submitted,
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